

# EXHIBIT 1

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**TARIQ Y. KHAN,**

**Plaintiff,**

**v.**

**VALERO REFINING – TEXAS, L.P.,**

**Defendant.**

§  
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§  
§  
§  
§  
§  
§  
§

**Civil Action No. 4:17-cv-3661**

**INDEX OF MATTERS BEING FILED**

Pursuant to Southern District of Texas Local Rule 81, the following is an index of matters being filed:

<b>Exhibit 1</b>	A. Index of Matters Being Filed B. State Court Docket Sheet C. Plaintiff's Original Petition D. Civil Case Information Sheet E. Civil Process Request Form F. Citation Corporate and Affidavit of Service G. Defendant's Original Answer and Affirmative and Other Defenses H. List of All Counsel of Record
<b>Exhibit 2</b>	State Court Notification of Removal

The state court has not signed any orders.

# **EXHIBIT B**

Harris County Docket Sheet

**2017-66654**

**COURT:** 113th

**FILED DATE:** 10/6/2017

**CASE TYPE:** Discrimination



**KHAN, TARIQ Y**

Attorney: COSTEA, PETER

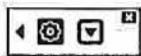
**VS.**

**VALERO REFINING - TEXAS LP**

Attorney: CLARK, SHAUNA JOHNSON

**Docket Sheet Entries**

Docket Sheet Entries	
Date	Comment



hcdistrictclerk.com

KHAN, TARIQ Y vs. VALERO REFINING - TEXAS LP

12/1/2017

Cause: 201766654 CDI: 7 Court: 113

**APPEALS**

No Appeals found.

**COST STATMENTS**

No Cost Statments found.

**TRANSFERS**

No Transfers found.

**POST TRIAL WRITS**

No Post Trial Writs found.

**ABSTRACTS**

No Abstracts found.

**SETTINGS**

No Settings found.

**NOTICES**

No Notices found.

**SUMMARY****CASE DETAILS**

<b>File Date</b>	10/6/2017
<b>Case (Cause) Location</b>	Civil Intake 1st Floor
<b>Case (Cause) Status</b>	Active - Civil
<b>Case (Cause) Type</b>	DISCRIMINATION
<b>Next/Last Setting Date</b>	N/A
<b>Jury Fee Paid Date</b>	10/9/2017

**CURRENT PRESIDING JUDGE**

<b>Court</b>	113 <sup>th</sup>
<b>Address</b>	201 CAROLINE (Floor: 10) HOUSTON, TX 77002 Phone: 7133686113
<b>JudgeName</b>	MICHAEL LANDRUM
<b>Court Type</b>	Civil

**ACTIVE PARTIES**

Name	Type	Post Attorney Jdgm
KHAN, TARIQ Y	PLAINTIFF - CIVIL	COSTEA, PETER
VALERO REFINING - TEXAS LP	DEFENDANT - CIVIL	CLARK, SHAUNA JOHNSON
VALERO REFINING - TEXAS LP (A CORPORATION)	REGISTERED AGENT	

1999 BRYAN STREET SUITE 900, DALLAS, TX 75201

**INACTIVE PARTIES**

No inactive parties found.

**ENT/EVENTS**

Date	Description	Order Signed	Post Jdgm	Pgs	Volume /Page	Filing Attorney	Person Filing
11/21/2017	ANSWER ORIGINAL PETITION			0		CLARK, SHAUNA JOHNSON	VALERO REFINING - TEXAS LP
10/6/2017	JURY FEE PAID (TRCP 216)			0			
10/6/2017	ORIGINAL PETITION			0		COSTEA, PETER	KHAN, TARIQ Y

**SERVICES**

Type	Status	Instrument	Person	Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION CORPORATE	SERVICE RETURN/EXECUTED	ORIGINAL PETITION	VALERO REFINING - TEXAS LP (A CORPORATION)	10/16/2017	10/18/2017	11/1/2017			73425231	MAIL TO ATTORNEY

**DOCUMENTS**

Number	Document	Post Jdgm	Date	Pgs
restricted	Valero Refining- Texas LP's Original Answer and Affirmative and Other Defenses		11/21/2017	5
restricted	Citation Corporate, Affidavit of Service		11/15/2017	4
restricted	Civil Process Request Form		10/16/2017	2
restricted	Plaintiff's Original Petition		10/06/2017	8
-> restricted	Civil Case Information Sheet		10/06/2017	1

# EXHIBIT C



10/6/2017 7:47 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 19926754  
By: Nelson Cuero  
Filed: 10/6/2017 7:47 PM

2017-66654 / Court: 113

Cause Nr.: \_\_\_\_\_

TARIQ Y. KHAN,  
Plaintiff

S IN THE DISTRICT COURT

S

S

v.

S

HARRIS COUNTY, TEXAS

S

VALERO REFINING - TEXAS, L.P.,  
Defendant

S

S

\_\_\_\_TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE STATE DISTRICT JUDGE:

COMES NOW, TARIQ Y. KHAN, Plaintiff, and complains of VALERO REFINING - TEXAS, LP, Defendant, as follows:

I.

PARTIES

Plaintiff Tariq Y. Khan is an individual residing in Harris County, Texas.

Defendant Valero Refining - Texas, L.P., is a corporation with its main place of business in the State of Texas and may be served with process by serving its Registered Agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

II.

VENUE

Venue of this action is proper in Harris County, Texas because the parties to this lawsuit transact business in Harris County, Texas, the actions, events, and transactions which gave rise to the causes of action alleged herein took place in Harris County, Texas, and the causes of action alleged herein also accrued in Harris County, Texas.

III.

NATURE OF THE LAWSUIT

This is a lawsuit involving race and national origin discrimination, as well as unlawful retaliation, and is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 USC Section 2000e et seq., as amended. It is also a case for age discrimination which is brought

Page 2

pursuant to the Age Discrimination in Employment Act ("ADEA"), as amended, 29 USC Section 621 et seq., as amended.

Defendant Valero Refining - Texas, L.P. has employed at least fifteen (15) or more employees for each working day in each of twenty (20) or more calendar days in the current or preceding calendar year and, therefore, is an "employer" under 42 USC Section 2000e(a). Additionally, because it has employed at least twenty (20) employees during the same period of time, it also is an "employer" under 29 USC Section 630(b).

#### IV.

#### FACTS

Plaintiff Khan is an individual whose racial identity is Asian and whose national origin is Pakistani. He was born in 1954.

Defendant is an oil and gas company which extracts and refines oil. It hired the Plaintiff in January 1989 as an Instrument Technician. At all times relevant, he worked for Defendant in Harris County, Texas. He is still employed by the Defendant in the same position. Throughout his employment with the Defendant, Plaintiff's performance either met or exceeded expectations. He never caused any disciplinary, behavioral or attendance problems for Defendant's management.

In August 2013 Defendant posted an opening for the position of Superintendent of Maintenance. Plaintiff was qualified for this position and applied for it. Of the applicants, six (6) were selected for interviews. Plaintiff was one of them. Half of the applicants who were interviewed for the position were minorities.

Plaintiff was interviewed by a panel of four (4) employees of the Defendant, Ron Cox, Superintendent, K.C. Murray, Maintenance Manager, Brian Cann, Maintenance Director, and Ginger Glass, HR Representative. All four are White, US-born, and significantly younger than the Plaintiff. They selected for the job Robert Smith, a significantly younger, White persons of US-national origin. Smith was not qualified for the job. Plaintiff was. In fact, Plaintiff was

Page 3

exceedingly well qualified for the job and his qualifications for the position exceeded by far Smith's qualifications.

Following the selection process, Plaintiff met with his immediate supervisor and with K.C. Murray and complained that company procedures and policies were not followed in the selection process. The answer they provided to the Plaintiff was unsatisfactory and, therefore, Plaintiff requested a second meeting to discuss his concerns, this time with Brian Cann and Linda Gudat-Cordova, Defendant's Human Resources Manager. This meeting occurred on November 14, 2013. Plaintiff complained to both of them that he was passed over for the promotion to Maintenance Supervisor based on discriminatory reasons. Gudat-Cordova assured the Plaintiff that she would investigate his discrimination concerns and would contact him with her findings. However, she never did.

Another Pakistani employee made a similar complaint to Defendant's Human Resources Department and was told Defendant was not obligated to follow the qualifications outlined in the job posting.

Based on Plaintiff's knowledge, the majority of management staff at his location were White employees.

Following these events, on August 15, 2014 Plaintiff timely filed a complaint with the Equal Employment Opportunity Commission claiming race discrimination, national origin discrimination, age discrimination, and retaliation.

Subsequently, Defendant retaliated against the Plaintiff on a continuous basis by making the terms and conditions of his employment more onerous than before and depriving him of enhanced earning opportunities. Specifically, Defendant denied Plaintiff the opportunity to work on projects which entailed overtime work and overtime pay. This caused the Plaintiff significant monetary loss in addition to the monetary loss caused by the denial of promotion.

Since the retaliation continued even while the EEOC was investigating Plaintiff's August 15, 2014 charge of discrimination, Plaintiff amended that charge on March 16, 2016 and claimed



Page 4

additional retaliation and that the retaliation was a continuing action.

The EEOC continued to investigate Plaintiff's charge and on July 18, 2017 it issued the Plaintiff a right to sue thereby allowing him to pursue his claims against Defendant in court. Plaintiff filed this action within ninety (90) days of his receipt of the right to sue from the EEOC.

V.

PLAINTIFF'S CAUSE OF ACTION FOR RACE AND/OR NATIONAL ORIGIN  
DISCRIMINATION

Plaintiff reincorporates by reference all factual allegations made in the preceding paragraphs and would show that Defendant is liable to him for race and/or national origin discrimination under Title VII of the Civil Rights Act of 1964, as amended.

At all times relevant to this lawsuit Plaintiff was, on account of his race and national origin, a member of a protected class. Defendant treated Plaintiff less favorably in the terms and conditions of his employment than its nonprotected employees because of his race and/or national origin. Plaintiff's race and/or national origin were each a motivating factor in the Defendant's decision to deny the Plaintiff the position of Maintenance Superintendent, as well as lucrative projects and overtime work.

This discrimination is the proximate cause of both economic and mental damages suffered by the Plaintiff.

Plaintiff satisfied all jurisdictional and procedural prerequisites for bringing this cause of action.

VI.

PLAINTIFF'S CAUSE OF ACTION FOR AGE DISCRIMINATION

Plaintiff reincorporates by reference all factual allegations made in the preceding paragraphs and would show that Defendant is further liable to him for age discrimination under the Age Discrimination in Employment Act of 1967, as amended.

At all times relevant to this lawsuit Plaintiff was, on account of his age, a member of a

Page 5

protected class. Defendant treated Plaintiff less favorably in the terms and conditions of his employment than its nonprotected employees because of his age. Plaintiff's age was a but-for motivating factor in the Defendant's decision to deny the Plaintiff the position of Maintenance Superintendent, as well as lucrative projects and overtime work.

This discrimination is the proximate cause of both economic and mental damages suffered by the Plaintiff. Moreover, Defendant's age-based discrimination against the Plaintiff was willful and, therefore, Plaintiff moves the court for the imposition of liquidated damages.

Plaintiff satisfied all jurisdictional and procedural prerequisites for bringing this cause of action.

## VII.

### PLAINTIFF'S CAUSE OF ACTION FOR UNLAWFUL RETALIATION - TITLE VII

Plaintiff realleges all factual allegations made in the preceding paragraphs and would show that Defendant is further liable to him for retaliation under Title VII of the Civil Rights Act of 1964, as amended. At all times relevant to this lawsuit Plaintiff was a member of a protected class because he repeatedly engaged in activities protected by the law. He complained to the Defendant about discriminatory conduct directed against him. He also complained of discrimination and retaliation by the Defendant through the Equal Employment Opportunity Commission when filing complaints of discrimination and retaliation on August 15, 2014 and on March 16, 2016.

As a proximate result of such repeated opposition to Defendant's discriminatory and retaliatory conduct Defendant retaliated against the Plaintiff on a continuous basis. The retaliatory actions Defendant took against the Plaintiff consisted of the following, and included, without limitation, Defendant's decision to deny him the position of Maintenance Superintendent, as well as lucrative projects and overtime work.

These retaliatory actions are the proximate cause of both economic and mental damages suffered by the Plaintiff.

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Plaintiff satisfied all jurisdictional and procedural prerequisites for bringing this cause of action.

VIII.

PLAINTIFF'S CAUSE OF ACTION FOR UNLAWFUL RETALIATION - ADEA

Plaintiff realleges all factual allegations made in the preceding paragraphs and would show that Defendant is further liable to him for retaliation under the Age Discrimination in Employment Act of 1967, as amended.

At all times relevant to this lawsuit Plaintiff was a member of a protected class because he repeatedly engaged in activities protected by the law. He complained to the Defendant about discriminatory conduct directed against him. He also complained of discrimination and retaliation by the Defendant through the Equal Employment Opportunity Commission when filing complaints of discrimination and retaliation on August 15, 2014 and on March 16, 2016.

As a proximate result of such repeated opposition to Defendant's discriminatory and retaliatory conduct Defendant retaliated against the Plaintiff on a continuous basis. The retaliatory actions Defendant took against the Plaintiff consisted of the following, and included, without limitation, Defendant's decision to deny him the position of Maintenance Superintendent, as well as lucrative projects and overtime work.

These retaliatory actions are the proximate cause of both economic and mental damages suffered by the Plaintiff.

Plaintiff satisfied all jurisdictional and procedural prerequisites for bringing this cause of action.

IX.

REQUEST FOR JURY

Plaintiff hereby requests a trial by jury and tenders the jury fee.

X.

DAMAGES



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Plaintiff is now suffering and will continue to suffer irreparable injury, monetary, actual, consequential, and compensatory damages as a result of Defendant's wrongful actions unless and until this court grants relief.

Moreover, Defendant's actions against the Plaintiff were done maliciously or with reckless disregard for his rights. As such Plaintiff moves the court to allow exemplary damages against the Defendant.

XI.

CONDITIONS PRECEDENT

Pursuant to Rule 54 of the Texas Rules of Civil Procedure all conditions precedent to Plaintiff's right to recover damages against the Defendant recited herein have occurred or have been performed.

XII.

REASONABLE AND NECESSARY ATTORNEY'S FEES

Defendant's refusal to abide by its obligations has made it necessary for the Plaintiff to employ the undersigned attorney to file this lawsuit. As such, Plaintiff requests the court to award a reasonable fee for the attorney's services rendered and to be rendered herein under both customary and statutory law.

XIII.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Tariq Y. Khan requests that Defendant Valero Refining - Texas LP be cited to appear and answer and that on final trial Plaintiff be granted relief as follows:

1. Judgment against the Defendant in an amount in excess of the minimum jurisdictional limits of this court;
2. Judgment declaring that the actions and practices described herein violate Title VII of the Civil Rights Act of 1964, as amended;

Page 8

3. Judgment declaring that the actions and practices described herein violate the Age Discrimination in Employment Act of 1967, as amended;

4. Judgment declaring that the actions and practices described herein constitute a willful violation of the Age Discrimination in Employment Act of 1967, as amended;

5. Judgment enjoining and permanently restraining these violations;

6. Instatement to the position Defendant denied the Plaintiff;

7. An award of actual, consequential, liquidated, and compensatory damages on all counts;

8. An award of punitive damages on all counts;

9. Costs of suit and reasonable attorney's fees;

10. Prejudgment and postjudgment interest as provided by law; and

11. Such other and further relief, in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

BY: //ss// *peter costea*

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Peter Costea  
TBN 04855900  
4544 Post Oak Place, Suite 250  
Houston, Texas 77027  
Tel. 713-337-4304  
Fax 713-237-0401  
ATTORNEY FOR PLAINTIFF  
TARIQ Y. KHAN





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this November 29, 2017

Certified Document Number: 76929296 Total Pages: 8

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

# EXHIBIT D

10/6/2017 7:47:35 PM  
 Chris Daniel - District Clerk  
 Harris County  
 Envelope No: 19926754  
 By: CUERO, NELSON  
 Filed: 10/6/2017 7:47:35 PM

## CIVIL CASE INFORMATION SHEET

2017-66654 / Court: 113

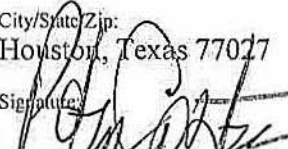
CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

## STYLED TARIQ Y. KHAN V. VALERO REFINING - TEXAS LP

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: Peter Costea Address: 4544 Post Oak Place, Suite 350 City/State/Zip: Houston, Texas 77027 Email: peter@costealaw.com Telephone: 713 337 4304 Fax: 713 237 0401 State Bar No: 04855900 Signature: 		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): Tariq Y. Khan Defendant(s)/Respondent(s): Valero Refining - Texas LP [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	
<b>Employment</b> <input checked="" type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000					



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this November 29, 2017

Certified Document Number: 76929297 Total Pages: 1

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

# **EXHIBIT E**



## CIVIL PROCESS REQUEST FORM

10/14/2017 3:58 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 20071907  
By: Rayshana Alexander  
Filed: 10/16/2017 12:00 AM

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 201766654

CURRENT COURT: unknown

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): citation and petition

FILE DATE OF MOTION: \_\_\_\_\_  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: **Valero Refining - Texas LP c/o Registered Agent CT Corporation System, 1999  
Bryan Street, Suite 900, Dallas, Texas 75201**

ADDRESS: \_\_\_\_\_

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_

Phone: \_\_\_\_\_

☒ MAIL

☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain **please mail citation to plaintiff's counsel below**

ATTENTION: Effective June 1, 2010

For all Services Provided by the DISTRICT CLERKS OFFICE requiring our office to MAIL something back to the Requesting Party, we require that the Requesting Party provide a Self-Addressed Stamped Envelope with sufficient postage for mail back. Thanks you,

\*\*\*\*\*

2. NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_

Phone: \_\_\_\_\_

☐ MAIL

☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain \_\_\_\_\_

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Peter Costea \_\_\_\_\_ TEXAS BAR NO./ID NO. 04855900 \_\_\_\_\_

MAILING ADDRESS: 4544 Post Oak Place, Suite 350, Houston, Texas 77027 \_\_\_\_\_

PHONE NUMBER: 713 337 4304 \_\_\_\_\_ FAX NUMBER: 713 237 0401 \_\_\_\_\_

area code

phone number

area code

fax number

EMAIL ADDRESS: \_\_\_\_\_

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

## ORIGINAL PETITION

\_\_\_\_\_ AMENDED PETITION

\_\_\_\_\_ SUPPLEMENTAL PETITION

## COUNTERCLAIM

\_\_\_\_\_ AMENDED COUNTERCLAIM

\_\_\_\_\_ SUPPLEMENTAL COUNTERCLAIM

## CROSS-ACTION:

\_\_\_\_\_ AMENDED CROSS-ACTION

\_\_\_\_\_ SUPPLEMENTAL CROSS-ACTION

## THIRD-PARTY PETITION:

\_\_\_\_\_ AMENDED THIRD-PARTY PETITION

\_\_\_\_\_ SUPPLEMENTAL THIRD-PARTY PETITION

## INTERVENTION:

\_\_\_\_\_ AMENDED INTERVENTION

\_\_\_\_\_ SUPPLEMENTAL INTERVENTION

## INTERPLEADER

\_\_\_\_\_ AMENDED INTERPLEADER

\_\_\_\_\_ SUPPLEMENTAL INTERPLEADER

## INJUNCTION

## MOTION TO MODIFY

## SHOW CAUSE ORDER

## TEMPORARY RESTRAINING ORDER

## BILL OF DISCOVERY:

ORDER TO: \_\_\_\_\_  
(specify)MOTION TO: \_\_\_\_\_  
(specify)PROCESS TYPES:NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

## SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

## CERTIORARI

## EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

## HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

## SCIRE FACIAS

SEQUESTRATION



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this November 29, 2017

Certified Document Number: 77019141 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



# **EXHIBIT F**

11/15/2017 2:52 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 20740848  
By: janel gutierrez  
Filed: 11/15/2017 2:52 PM

RECEIPT NUMBER \_\_\_\_\_  
TRACKING NUMBER 73425231 MTA

CAUSE NUMBER 201766654

PLAINTIFF: KHAN, TARIQ Y

vs.

DEFENDANT: VALERO REFINING - TEXAS LP

In The 113th  
Judicial District Court of  
Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS  
County of Harris

TO: VALERO REFINING - TEXAS LP (A CORPORATION)  
MAY BE SERVED WITH PROCESS BY SERVING ITS REGISTERED AGENT  
CT CORPORATION SYSTEM  
1999 BRYAN STREET SUITE 900 DALLAS TX 75201

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on the 6th day of October, 2017, in the  
above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED;** you may employ an attorney. If you or your attorney do not file a written answer with the  
District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were  
served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 18th day of  
October, 2017.

Issued at request of:  
COSTEA, PETER  
4544 POST OAK PLACE, SUITE  
350  
HOUSTON, TX 77027  
TEL: (713) 337-4304  
Bar Number: 4855900



*Chris Daniel*  
CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
P.O. Box 4651, Houston, Texas 77210

Generated by: ALEXANDER, RAYSHANA D  
FEJ//10799475

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., endorsed  
the date of delivery thereon, and executed it at \_\_\_\_\_ (STREET ADDRESS) \_\_\_\_\_ (CITY)  
in \_\_\_\_\_ County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.,  
by delivering to \_\_\_\_\_ (THE DEFENDANT CORPORATION NAMED IN CITATION), by delivering to its  
\_\_\_\_\_, in person, whose name is \_\_\_\_\_ (REGISTERED AGENT, PRESIDENT, OR VICE-PRESIDENT)  
a true copy of this citation, with a copy of the \_\_\_\_\_ Petition attached,  
(DESCRIPTION OF PETITION, E.G., "PLAINTIFF'S ORIGINAL")  
and with accompanying copies of \_\_\_\_\_ (ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE: \$ \_\_\_\_\_

By: \_\_\_\_\_ (SIGNATURE OF OFFICER)

Printed Name: \_\_\_\_\_

Affiant Other Than Officer \_\_\_\_\_

As Deputy for: \_\_\_\_\_ (WHETHER MAIL & WILL OF ATTORNEY OR OTHERWISE)

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

**AFFIDAVIT OF SERVICE**

State of Texas

County of HARRIS

113th Judicial District Court

Case Number: 201766654

Plaintiff:

**TARIQ Y. KHAN**

vs.

Defendant:

**VALERO REFINING - TEXAS, L.P.**

Received these papers on the 1st day of November, 2017 at 12:07 pm to be served on **VALERO REFINING - TEXAS LP BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM, 1999 BRYAN STREET, SUITE 900, DALLAS, DALLAS COUNTY, TX 75201.**

I, Cynthia Kinnamon, being duly sworn, depose and say that on the **1st day of November, 2017 at 12:08 pm, I:**

**DELIVERED VIA CERTIFIED MAIL** a true copy of the **CITATION CORPORATE and PLAINTIFF'S ORIGINAL PETITION** with the date and hour of service endorsed thereon by me, to: **VALERO REFINING - TEXAS LP BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM** at the address of: **1999 BRYAN STREET, SUITE 900, DALLAS, DALLAS COUNTY, TX 75201**, in compliance with state statutes.

**Additional Information pertaining to this Service:**

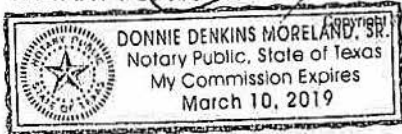
11/1/2017 12:08 pm Sent via Certified Mail RRR #70171000000106621235


11/13/2017 10:12 am Green domestic return receipt for Certified Mail RRR #70171000000106621235 received in our office signed for by Chris Wells on 11/6/17

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 13th day of November, 2017 by the affiant who is personally known to me.


NOTARY PUBLIC



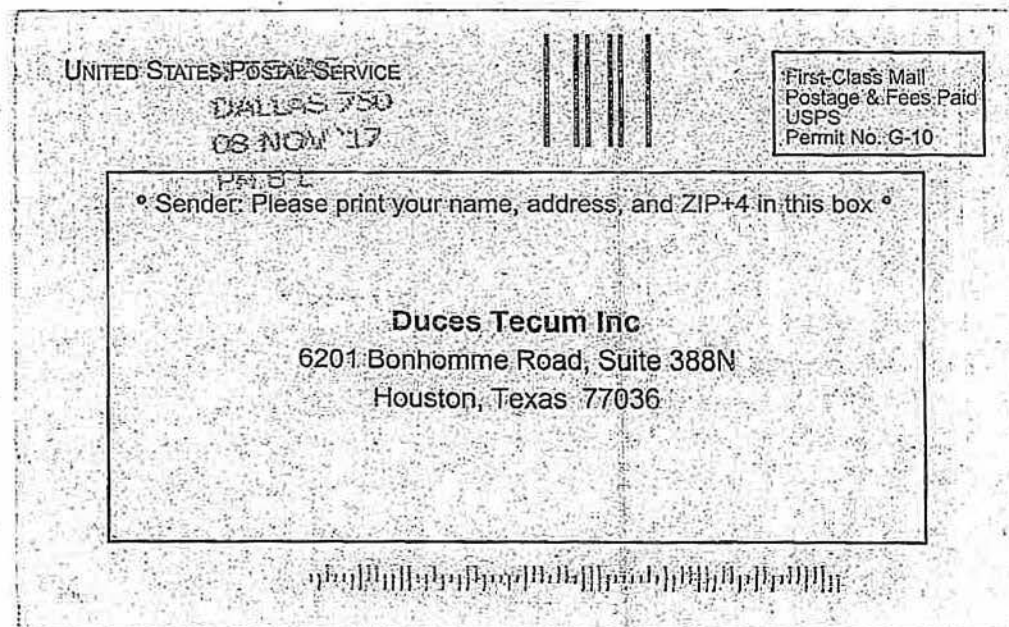
  
Cynthia Kinnamon  
SCH 11258 Exp 12/31/2017

Our Job Serial Number: DTI-2017002318

1992-2017 Database Services, Inc. - Process Server's Toolbox V7.1i

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature: X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Valero Refining-Texas, LP C/O CT Corporation System 1999 Bryan St. Ste 900 Dallas, TX 75201		B. Received by (Printed Name): Chris Wells C. Date of Delivery: NOV 16 2017	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article (Transaction) Number: 7017 1000 0001 0662 0235			
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1640	







I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this November 29, 2017

Certified Document Number: 77446188 Total Pages: 4

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

# EXHIBIT G

11/21/2017 1:02 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 20855380  
By: janel gutierrez  
Filed: 11/21/2017 1:02 PM

**CAUSE NO. 2017-66654**

<b>TARIQ Y. KHAN,</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>Plaintiff,</b>	<b>§</b>	
	<b>§</b>	
<b>v.</b>	<b>§</b>	<b>HARRIS COUNTY, TEXAS</b>
	<b>§</b>	
<b>VALERO REFINING – TEXAS, L.P.,</b>	<b>§</b>	
	<b>§</b>	
<b>Defendant.</b>	<b>§</b>	<b>113<sup>TH</sup> JUDICIAL DISTRICT</b>

**VALERO REFINING – TEXAS, L.P.’S**  
**ORIGINAL ANSWER AND AFFIRMATIVE AND OTHER DEFENSES**

Defendant Valero Refining – Texas, L.P. (“Valero”) files this Original Answer and Affirmative and Other Defenses to Plaintiff’s Original Petition.

**I.**

The claims asserted against Valero are subject to a valid arbitration agreement. Valero asserts its right to compel arbitration of all claims asserted against it.

**II.**  
**GENERAL DENIAL**

Valero denies each and every allegation in Plaintiff’s Original Petition, and enters this general denial in accordance with Rule 92 of the Texas Rules of Civil Procedure. Additionally, Valero demands strict proof of all allegations made by Plaintiff, as required by law. Further, Valero reserves the right to answer in greater particularity reasonably in advance of trial.

**III.**  
**AFFIRMATIVE AND OTHER DEFENSES**

Valero pleads the following affirmative and other defenses, subject to further discovery, but does not assume the burden of proof except to the extent required on pure affirmative defenses:



1. Plaintiff's claims are barred because he failed to exhaust contractual or arbitration remedies.

2. Plaintiff's Original Petition fails, in whole or in part, to state a cause of action against Valero upon which relief can be granted.

3. Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitation.

4. Subject to further discovery, Plaintiff's claims are barred because Plaintiff has not fulfilled all conditions precedent to the institution of this lawsuit and administrative prerequisites.

5. Plaintiff's claims are barred, in whole or in part, to the extent that those claims exceed the scope of, or are inconsistent with, the Charge(s) of Discrimination he filed with the Equal Employment Opportunity Commission ("EEOC") and the Texas Workforce Commission Civil Rights Division ("TWCCRD").

6. Plaintiff's claims are barred because any actions Valero took in regard to Plaintiff were based on reasonable factors other than his age, national origin, race, protected activity, or any other alleged protected status held by Plaintiff; were made in good faith and for good cause and without malice; were essential and necessary to the operation of Valero's business; and were at all times motivated solely and required by legitimate, non-discriminatory, and non-retaliatory reasons.

7. All actions taken by Valero with respect to Plaintiff were justified, in good faith, and without malice.

8. Plaintiff's claims are barred because Valero acted, at all times, reasonably, in good faith, and with a legitimate, non-discriminatory, and non-retaliatory purpose, and Valero

would have taken the same actions regardless of any age, national origin, race, protected activity, or any other alleged protected status held by Plaintiff.

9. Valero denies the allegations in Plaintiff's Original Petition. However, Valero affirmatively pleads that it has in place anti-discrimination and anti-retaliation policies, which include a complaint procedure to prevent and/or correct any alleged discrimination, retaliation, or other unlawful conduct. Plaintiff unreasonably failed to take advantage of this procedure.

10. Valero denies the allegations contained in Plaintiff's Original Petition and denies that it engaged in any unlawful conduct. However, Valero affirmatively pleads that, to the extent Plaintiff has alleged any unlawful conduct by it, Valero exercised reasonable care to prevent and properly correct such alleged behavior or conduct.

11. Subject to further discovery, Valero pleads estoppel, laches, and/or waiver.

12. Subject to further discovery, Valero asserts that Plaintiff's damages are limited by the doctrine of after-acquired evidence.

13. To the extent required, Plaintiff failed to mitigate his damages, if any, and Valero is entitled to an offset for any amounts earned or which Plaintiff should have earned.

14. Plaintiff's own acts or omissions were the sole and/or proximate cause of his alleged damages, if any.

15. Plaintiff's claims for damages are capped or limited in accordance with applicable law.

16. Plaintiff's claims for liquidated and/or punitive damages are barred because any alleged discriminatory and/or retaliatory employment decisions were contrary to Valero's good faith efforts to comply with the anti-discrimination and anti-retaliation laws.

17. Plaintiff's claims for liquidated and/or punitive damages are barred because the alleged acts or omissions of Valero fail to rise to the level required to sustain an award of liquidated and/or punitive damages, do not evidence a malicious or reckless indifference to Plaintiff's state protected rights, and are not so wanton or willful as to support an award of liquidated and/or punitive damages.

Valero reserves the right to assert other defenses reasonably in advance of trial.

**IV.  
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Valero denies that Plaintiff is entitled to any of the relief that he seeks (if any). Valero prays that Plaintiff's suit be dismissed and subject to binding arbitration.

Dated: November 21, 2017

Respectfully submitted,

/s/ Shauna Johnson Clark

Shauna Johnson Clark  
State Bar No. 00790977  
shauna.clark@nortonrosefulbright.com  
Fazila Issa  
State Bar No. 24046136  
fazila.issa@nortonrosefulbright.com

**NORTON ROSE FULBRIGHT US LLP**  
Fulbright Tower  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
Telephone: (713) 651-5151  
Facsimile: (713) 651-5246

**ATTORNEYS FOR DEFENDANT VALERO  
REFINING - TEXAS, L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that, on November 21, 2017, I electronically filed the foregoing document using the electronic filing system of the court. The electronic filing system sent a "Notice of Electronic Filing" to the following attorneys of record:

Peter Costea  
LAW OFFICE OF PETER COSTEA  
4544 Post Oak Place, Suite 250  
Houston, Texas 77027

/s/ Fazila Issa

Fazila Issa





I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this November 29, 2017

Certified Document Number: 77521964 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

# EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**TARIQ Y. KHAN,**

**Plaintiff,**

**v.**

**VALERO REFINING – TEXAS, L.P.,**

**Defendant.**

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**Civil Action No. 4:17-cv-3661**

**LIST OF ALL COUNSEL OF RECORD**

Pursuant to Southern District of Texas Local Rule 81, the following is a list of all counsel of record:

<b>Counsel for Plaintiff Tariq Y. Khan</b>	Peter Costea State Bar No. 04855900 peter@costealaw.com LAW OFFICE OF PETER COSTEA 4544 Post Oak Place, Suite 250 Houston, Texas 77027 713.337.4304 (telephone) 713.237.0401 (facsimile)
<b>Counsel for Defendant Valero Refining – Texas, L.P.</b>	Shauna Johnson Clark State Bar No. 00790977 Fed. Id. No. 18235 shauna.clark@nortonrosefulbright.com Fazila Issa State Bar No. 24046136 Fed. Id. No. 566478 fazila.issa@nortonrosefulbright.com NORTON ROSE FULBRIGHT US LLP 1301 McKinney Street, Suite 5100 Houston, Texas 77010 713.651.5151 (telephone) 713.651.5246 (facsimile)

# **EXHIBIT 2**



**CAUSE NO. 2017-66654**

**TARIQ Y. KHAN,**

**Plaintiff,**

**v.**

**VALERO REFINING – TEXAS, L.P.,**

**Defendant.**

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**IN THE DISTRICT COURT**

**HARRIS COUNTY, TEXAS**

**113TH JUDICIAL DISTRICT**

**DEFENDANT'S NOTIFICATION OF REMOVAL**

PLEASE TAKE NOTICE that, on December 1, 2017, Defendant Valero Refining – Texas, L.P. (“Valero”) filed its Notice of Removal of the above-entitled action from the 113th Judicial District Court of Harris County, Texas, Cause No. 2017-66654, to the United States District Court for the Southern District of Texas, Houston Division, Civil Action No. 4:17-cv-3661. Pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal in the United States District Court, together with the filing of a copy of that Notice with this Court (attached as Exhibit A), effects the removal of this action, and this Court may proceed no further unless the case is remanded.

Dated: December 1, 2017

Respectfully submitted,

/s/ Shauna Johnson Clark

Shauna Johnson Clark  
State Bar No. 00790977  
Fed. Id. No. 18235  
shauna.clark@nortonrosefulbright.com

OF COUNSEL:

Fazila Issa  
State Bar No. 24046136  
Fed I.D. No. 566478  
fazila.issa@nortonrosefulbright.com

**NORTON ROSE FULBRIGHT US LLP**

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1301 McKinney, Suite 5100  
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Telephone: (713) 651-5151  
Facsimile: (713) 651-5246

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1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
Telephone: (713) 651-5151  
Facsimile: (713) 651-5246

**ATTORNEY IN CHARGE FOR DEFENDANT  
VALERO REFINING – TEXAS, L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 1, 2017, I electronically filed the foregoing document using the electronic filing system of the court. The electronic filing system sent a “Notice of Electronic Filing” to the following attorneys of record:

Peter Costea  
LAW OFFICE OF PETER COSTEA  
4544 Post Oak Place, Suite 250  
Houston, Texas 77027

/s/ Fazila Issa

Fazila Issa

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**TARIQ Y. KHAN,**

**Plaintiff,**

**v.**

**VALERO REFINING – TEXAS, L.P.,**

**Defendant.**

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**Civil Action No. 4:17-cv-3661**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Valero Refining – Texas, L.P. (“Valero”) files this Notice of Removal of the above-captioned cause from the 113th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, and respectfully submits the following grounds for removal:<sup>1</sup>

**I.  
BACKGROUND**

1. On October 6, 2017, Plaintiff filed a civil action, Cause No. 2017-66654, in the 113th Judicial District Court of Harris County, Texas.

2. On November 6, 2017, Valero was served with Plaintiff’s Original Petition. Pursuant to Southern District of Texas Local Rule 81, an index and true and correct copies of all executed process, pleadings, orders signed by the Court (none), the docket sheet, an index of matters being filed, and a list of all counsel of record are attached and incorporated by reference as Exhibit 1.

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<sup>1</sup> As indicated in Valero’s Original Answer and Affirmative and Other Defenses, the claims asserted against Valero are subject to a valid arbitration agreement. Valero asserts its right to compel arbitration of all claims asserted against it.

3. In this lawsuit, Plaintiff alleges that Valero discriminated against him based on his race and national origin and retaliated against him in violation of Title VII of the Civil Rights Act (“Title VII”), as amended, 42 U.S.C. § 2000e *et seq.* See Plaintiff’s Original Petition at 1-2. Plaintiff further alleges that Valero discriminated against him based on his age in violation of the Age Discrimination in Employment Act (“ADEA”), as amended, 29 U.S.C. § 621 *et seq.* See *id.*

## **II. FEDERAL QUESTION JURISDICTION**

4. This Court has subject matter jurisdiction in this case based on federal question jurisdiction. 28 U.S.C. § 1331. Federal question jurisdiction exists for “all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. §§ 1331 and 1441(a).

5. Federal question jurisdiction has been clearly invoked in this case. In his Original Petition, Plaintiff alleges that Valero discriminated and retaliated against him based on his race and national origin in violation of Title VII and discriminated against him based on his age in violation of the ADEA. See Plaintiff’s Original Petition at 1-2. In addition, to the extent that Plaintiff alleges state causes of action, this Court has supplemental jurisdiction under 28 U.S.C. §§ 1367(c) and 1441(c).

## **III. PROCEDURAL ALLEGATIONS**

6. The Southern District of Texas, Houston Division, is the federal district and division that encompasses the 113th Judicial District of Harris County, Texas. See 28 U.S.C. § 124(b)(2). This Notice of Removal is filed within 30 days of having been served with Plaintiff’s Original Petition and is, therefore, timely filed under 28 U.S.C. § 1446. Therefore, removal to this Court is proper under 28 U.S.C. §§ 1441(a) and 1446.



7. Valero has simultaneously given prompt written notice of the filing of this Notice of Removal to all adverse parties and filed a copy of the Notice of Removal with the 113th Judicial District Court of Harris County, Texas, attached and incorporated by reference as Exhibit 2. *See* 28 U.S.C. § 1446(d).

WHEREFORE, Valero respectfully requests this action be removed from the 113th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

Dated: December 1, 2017

Respectfully submitted,

/s/ Shauna Johnson Clark

Shauna Johnson Clark  
State Bar No. 00790977  
Fed. Id. No. 18235  
shauna.clark@nortonrosefulbright.com

OF COUNSEL:

Fazila Issa  
State Bar No. 24046136  
Fed I.D. No. 566478  
fazila.issa@nortonrosefulbright.com

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Telephone: (713) 651-5151  
Facsimile: (713) 651-5246

**ATTORNEY IN CHARGE FOR DEFENDANT  
VALERO REFINING – TEXAS, L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 1, 2017, I electronically filed the foregoing document using the electronic filing system of the court. The electronic filing system sent a "Notice of Electronic Filing" to the following attorneys of record:

Peter Costea  
LAW OFFICE OF PETER COSTEA  
4544 Post Oak Place, Suite 250  
Houston, Texas 77027

/s/ Fazila Issa

Fazila Issa